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INDEPENDENCE TO COLONIAL COUNTRIES
AND PEOPLES

# EAST TIMOR

Working paper prepared by the Secretariat

CONTENTS


| | | Paragraphs | Page |
|---|---|---|---|
| I. | GENERAL | 1 | 2 |
| II. | POLITICAL DEVELOPMENTS | 2 - 41 | 2 |
| | A. Background | 2 - 3 | 2 |
| | B. Recent developments | 4 - 41 | 2 |
| III. | HUMAN RIGHTS SITUATION | 42 - 51 | 8 |
| IV. | ECONOMIC, SOCIAL AND EDUCATIONAL CONDITIONS | 52 | 10 |
| V. | CONSIDERATION BY THE UNITED NATIONS | 53 - 66 | 11 |


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# EAST TIMOR

## I. GENERAL

1. The Territory of East Timor comprises the eastern part of the island of Timor, which is located at the top of the chain of islands forming the Republic of Indonesia; the enclave of Oecusse Ambeno; the island of Atauro, off the northern coast of Timor; and the island of Jaco, off its extreme eastern tip. It lies between latitudes 8°17'S and 10°22'S and longitudes 123°25'E and 127°19'E. The 1980 census recorded the total population of the Territory at 555,350. According to the latest estimates, as of 1995, the population of the Territory was 814,000. 1/

## II. POLITICAL DEVELOPMENTS

### A. Background

2. According to Indonesian Law 7/76 of 17 July 1976, East Timor is a province or a "first-level region" of Indonesia with a Government consisting of a "Regional Secretariat" and a "Regional House of Representatives". East Timor is represented in the National House of Representatives and in the People's Consultative Assembly of Indonesia.

3. In its resolution 32/34 of 28 November 1977, the General Assembly rejected the claim that East Timor had been integrated into Indonesia, inasmuch as the people of the Territory had not been able to exercise freely their right to self-determination and independence.

### B. Recent developments

4. Major-General Adang Ruchiatna, Commander of the Indonesian Udayana military region, reportedly estimated that, as of July 1995, the number of rebels of the Frente Revolucionaria de Timor Leste Independente (FRETILIN) stood at 200 persons, with some 100 weapons. He said that FRETILIN was supported by a 3,000-member clandestine network throughout Indonesia. 2/ According to the Indonesian military spokesman in East Timor, Captain Djoko Purwadi, during the period from March 1995 to January 1996, 20 FRETILIN members were killed by the Indonesian security forces and 27 others had been captured by or had surrendered to the Indonesian authorities. Captain Purwadi reportedly estimated the number of FRETILIN rebels at "193 persons with 89 guns". According to reports, on 26 January 1996, the military commander in East Timor, Colonel Mahidin Simbolon, called upon the FRETILIN rebels to give themselves up, adding that: "If they do not want to surrender peacefully, the security forces will exterminate those who are operating in the forests and mountains." 3/

5. According to the "Governor" of East Timor, Mr. Abilio José Osório Soares, as of June 1995, eight Indonesian battalions comprising 5,000 troops were stationed in the Territory. 4/ Also in June 1995, the Indonesian Government announced its intention to withdraw its two battalions from East Timor and to

replace those battalions by approximately 1,200 persons to be recruited in the Territory as "people's volunteers". The functions of those "people's volunteers" would fall under the authority of the Indonesian armed forces. 5/ In July 1995, the Commander-in-Chief of the Indonesian Armed Forces, General Feisal Tanjung, reportedly announced that in 1996 Indonesia intended to reduce its military presence in East Timor by two battalions, comprising 1,400 troops. 6/ In September 1995, Indonesia announced the withdrawal of two of its army battalions from East Timor. The Indonesian military commander in East Timor reportedly stated that the withdrawal "was the wise decision from armed forces leaders because the security conditions in East Timor were getting better" and that the battalions would not be replaced. He also denied allegations that combat battalions were stationed in East Timor. 7/ General Feisal Tanjung was reported to have stated, on 26 December 1996, that the Defence and Security Ministry had no intention of sending additional security forces to East Timor since the six battalions stationed there were quite sufficient for the security needs of the Territory. 8/

6. Two leaders of the East Timor resistance, Pedia Nunes Sabalae and Rumigio Levi da Costa Tilman, were reported to have been captured in June 1995 by the Indonesian military and have since remained unaccounted for. The National Council of Maubere Resistance (CNRM), in a statement of 23 August 1995, said that the fate of those two persons raised serious concerns. 9/

7. It was reported that, on 7 July 1995, three East Timorese rebels were killed in an armed clash with the Indonesian military at the village of Lalende, approximately 200 kilometres east of Dili. 10/

8. Press reports indicate that, on 20 July 1995, rioting broke out in Baucau following the alleged stabbing of two East Timorese by a Javanese trader at a local market. The same sources reported that the incident provoked violent demonstrations in Baucau, during which two policemen and one civilian were seriously wounded and numerous shops were burned. 11/

9. On 23 July 1995, a group of East Timorese farmers reportedly burned houses and shops in the town of Ermera, expressing their protest over low coffee prices and demanding that the Indonesian Government increase the prices for that main territorial commodity from US$ 0.67 to $1.25 per kilogram. In connection with the incident, the police chief of East Timor, Colonel Andreas Sugianto, stated that the farmers had been detained for a short period and had been released. "Governor" Soares said that legal action would be taken against those involved in the violence. 12/

10. In July 1995, the district court of East Timor reportedly sentenced five East Timorese to a term of five months in prison for "nocturnal marauding" in Dili. Earlier, the same court had similarly sentenced three other East Timorese. The Territorial authorities stated that those persons had been pro-Indonesian East Timorese who opposed the pro-independence movement. 13/

11. According to press reports, on 24 July 1995, the Indonesian military killed three alleged FRETILIN rebels in an armed clash near Illomar, about 30 kilometres south-west of the town of Los Palos. Their bodies were reportedly paraded through the area for identification. 14/

12. In a statement of 19 August 1995, Colonel Simbolon reiterated that general amnesty would be granted to all East Timorese rebels "who would repent and [who] would be willing to contribute to the development" of the Territory. 15/

13. It was reported that, in August 1995, imprisoned East Timorese resistance leader José Alexandre "Xanana" Gusmão was placed in solitary confinement after he had tried to smuggle a letter addressed to the United Nations Fourth World Conference on Women, Beijing. The same sources indicated that the letter contained an appeal to the international community to protect the rights of East Timorese women. 16/

14. On 1 September 1995, armed East Timorese rebels reportedly killed three civilians in a raid on the village of Samaguia, approximately 150 kilometres east of Dili. 17/

15. On 24 September 1995, Colonel Simbolon reportedly appealed to all East Timorese community members, religious and government leaders "to undertake a dialogue to get on top of the security situation" in the Territory. 18/

16. Press reports indicate that President Soeharto expressed his concern over the situation in East Timor during a meeting with the leaders of the Indonesian Bishops Conference (KWI) held on 26 September 1995. The President reportedly called for greater efforts to eliminate the prevailing suspicions which East Timorese harboured, particularly regarding non-East Timorese. Cardinal Julius Darmaatmadja, Chairman of KWI, emphasized that the problem of East Timor "was not just caused by ethnic bitterness" and considered it necessary to ensure that the East Timorese "erase all their suspicions about the Indonesians". 19/

17. In September 1995, the Indonesian Ambassador-at-large for East Timorese Affairs reportedly called upon the Indonesian Government to take steps towards strengthening political, economic and cultural integration with East Timor and stated that "East Timor was facing many pressing problems ranging from unemployment to underdevelopment". 20/

18. Press reports indicate that, on 25 September 1995, approximately 15 shots were fired at a rally attended by "Governor" Soares near Illomar, some 150 kilometres south-east of Dili. No casualties were reported. 21/

19. According to press reports, riots took place in East Timor between 2 and 16 September 1995. The riots were reportedly caused by anti-Catholic comments made by an official of the Maliana correctional institution and alleged bias in the process of recruitment of civil servants in the Territory. Acts of destruction and arson by the rioters were also reported. The police detained 20 persons allegedly involved in the "destruction, oppression and arson". 22/ On 19 September 1995, General Bamerusman Astrosemito, Chief of the Indonesian Police, arrived in Dili. 23/ East Timorese Catholic Bishop Carlos Felipe Ximenes Belo stated that the September ethnic and religious violence was only "the tip of the iceberg of frustrating conditions in East Timor" and represented "a strong message to the nation on how sensitive matters [were] concerning race and religion" in the Territory. 24/ Bishop Belo also appealed to all Catholics in East Timor "to be calm and to keep a sense of tolerance" and urged an open dialogue between all East Timorese. 25/

20. Also in September, Major-General Abdul Rivai, Chief of the Udayana Region Military Command, reportedly stated that he supported proposals for "an open and communicative dialogue between the East Timorese and the Government, which could be effective to solve the problems". 26/

21. In September 1995, "Governor" Soares announced that all Territorial civil servants should complete basic military training and that the refusal to follow those directions would lead to dismissal from the service. Many civil service posts in East Timor reportedly are filled by military officers seconded by the Indonesian armed forces. 27/

22. According to press reports, in October 1995, Mr. Sudomo, head of the Indonesian President's Supreme Advisory Council, met with East Timorese leaders. He reportedly called upon all East Timorese to work out together a definition of autonomy for the Territory. The same sources indicated that a number of East Timorese participants in those talks had raised the issue of giving local people control over all aspects of self-government aside from defence, public finance and foreign affairs. 28/

23. Press reports indicate that, on 9 October 1995, violence erupted at the East Timor University, leaving 2 persons dead and 11 injured. Clashes and mêlées were reported to have been especially numerous in the Dili suburb of Bucoli. The same sources indicate that the violence had been provoked by an incident in Bucoli when an ethnic Buginese trader stabbed an East Timorese. 29/ On 11 October, "Governor" Soares reportedly urged the security forces to take stern measures against the rioters. 30/ Riots in Dili continued throughout 12 October, when the Indonesian troops and police fired shots and used tear gas to disperse the crowds. 31/ Some 170 persons were detained and dozens of people were injured during the police action. 32/ On 12 October, East Timorese resistance leader José Ramos Horta appealed to Portugal to request the Secretary-General of the United Nations to intervene. 33/ On 20 October, more than 100 persons who had been arrested for alleged participation in the September-October riots in East Timor were released by the Indonesian Security forces. 34/

24. Press reports indicate that, in October 1995, residents of Dili appealed to Portugal and the international community to put an end to the indiscriminate shooting of civilians by the Indonesian military. The appeal followed the stepped-up Indonesian military activity in the Territory with the killing of two and the arrest of several East Timorese, as well as increased patrolling and detentions on the eve of the anniversary of the 1991 killings at the Santa Cruz cemetery in Dili. 35/

25. On 24 October 1995, Indonesian Religious Affairs Minister Tarmizi Taher reportedly called upon all East Timorese to work together "in order to jointly clear false religious issues". 36/ Later in October, according to media reports, the Minister travelled to the Holy See to discuss, inter alia, possible solutions to the situation in East Timor. 37/

26. According to press reports, on 12 November 1995, Indonesian police arrested three East Timorese in Dili for possession of anti-Indonesian materials and FRETILIN flags. 38/

27. In November 1995, Indonesian Minister/State Secretary Murdiono reportedly said that Indonesia would never retreat from its political decision on East Timor. 39/

28. It was reported that, on 24 November 1995, the Indonesian authorities announced that travel restrictions for foreigners wishing to visit East Timor had been lifted. 40/

29. In November 1995, a tense situation reportedly prevailed in East Timor in connection with the fourth anniversary of the 1991 killings at the Santa Cruz cemetery in Dili. The Indonesian authorities expelled nine persons from different countries who had arrived in Dili to commemorate the anniversary, and prevented another group of persons from various countries from boarding a flight from Bali to Dili. 41/

30. According to press reports, in December 1995, East Timorese resistance spokesman José Ramos Horta visited Fiji, where he met with government officials to discuss the question of East Timor. 42/

31. Press reports indicate that, in December 1995, two FRETILIN rebels surrendered to the Indonesian security forces. 43/

32. On 29 December 1995, The Jakarta Times attributed the following statement to the President of Indonesia: "There is no special status for East Timor ... Portuguese and anti-integration elements are trying to undermine our good image ... If other sides undermine the solution, we have to face them with patience and wisdom. There is no longer a referendum in East Timor." 44/

33. On 8 December 1995, East Timorese resistance leader José Ramos Horta met in Wellington with the Foreign Minister of New Zealand, Mr. Don McKinnon. Mr. McKinnon reportedly said that the meeting was part of New Zealand's policy "of listening to all points of view" and stated that his Government supported "the tripartite talks among the Indonesians, the Portuguese and the United Nations Secretary-General". Mr. Ramos Horta, upon the conclusion of the meeting, made the following statement: "The Minister did not make major comments, but he assured me that he will reflect and will do whatever New Zealand can in its traditional way in a discreet, non-confrontational form." 45/

34. In 1995, the European Parliament adopted a resolution on the situation in East Timor and on the twentieth anniversary of its invasion by Indonesia. The European Parliament, inter alia, reaffirmed its solidarity with the people of East Timor in its struggle for self-determination and condemned the illegal occupation of East Timor by Indonesia and the Indonesian military repressions in the Territory. It also demanded the release of all political prisoners, including "Xanana" Gusmão. The European Parliament supported the continuation of the ongoing negotiations between Indonesia and Portugal under the auspices of the Secretary-General of the United Nations and endorsed the conclusions and recommendations contained in the report of the United Nations High Commissioner for Human Rights. The European Parliament also called upon all its member States to put an end to all military assistance and arms sales to Indonesia and requested the European Union to suspend all forms of economic cooperation with

the Indonesian Government as long as the illegal occupation and repressions continued.

35. It was reported that, on 18 January 1996, a female FRETILIN member had surrendered to the Indonesian security authorities. 46/

36. Press reports indicate that, on 7 February 1996, a riot took place at the Dili correctional facility, resulting in the death of 1 inmate and injuries to 40 inmates and 5 police guards. It was also reported that 8 inmates had managed to escape from the correctional facility in the course of the riot. 47/

37. During the period under review, over 100 East Timorese reportedly seeking political asylum resorted to forceful entry of the embassies at Jakarta of the following countries: France, Japan, the Netherlands, Poland, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland. In connection with those incidents the Indonesian authorities stated that those wishing to leave the country could do so. Many of those East Timorese subsequently left Indonesia for exile in Portugal. Those unable to leave the country were questioned by the police and released. In November 1995, a group of 27 East Timorese were apprehended by the Indonesian security forces when they were trying to leave Indonesia for Australia on a boat called the Tasi Diak and were detained at a police station in Dili on charges of alleged pro-independence and FRETILIN sympathies. 48/

38. Press reports indicate that, during 1995, 35 foreigners were expelled from East Timor by the Indonesian authorities for "security breaches". 49/ The head of the Dili Immigration Office, Mr. Sri Triswoyo, stated that four persons had been expelled for "taking photographs of an anti-Indonesian demonstration at the University of Dili" and 31 persons for "provocative activities" in connection with the commemoration of the fourth anniversary of the 1991 killings at the Santa Cruz cemetery in Dili. 50/

39. According to press reports, 51/ in March 1996, during the summit of 25 European and Asian leaders in Bangkok, the Prime Minister of Portugal, Mr. António Guterres, offered Indonesian President Soeharto a partial reopening of diplomatic relations on condition of the release of the imprisoned East Timorese resistance leader "Xanana" Gusmão. In a statement to the press of 1 March 1996, the Portuguese Prime Minister said: "Portugal would be ready to open an interests section in a friendly embassy in Jakarta and to accept an Indonesian interests section in a friendly embassy in Lisbon ... In exchange Indonesia should free 'Xanana' Gusmão and guarantee human rights in East Timor". Mr. Guterres further said that President Soeharto had neither accepted nor rejected the offer, but had agreed to discuss it at the United Nations-sponsored talks between the two countries. The same source also indicated that the Indonesian Foreign Minister, Mr. Ali Alatas, had on 1 March 1996 given a guarded welcome to Portugal's proposals and said that Indonesia would "look at the proposals and see in what context they had been made and not brush them off the table".

40. On 28 March 1996, the Prime Minister of Portugal was received by His Holiness John Paul II at the Holy See. After the meeting, Cardinal Angelo Sodano, the Secretary of State of the Holy See, stated the following:

"In future we shall be intensifying even further the presence of the Holy See in East Timor in order to show that community that they have not been forgotten. We are aware, as is the Portuguese Government, of the difficulties of their everyday life. But they know that they are not alone, as does Don Ximenes Belo and the Catholics of Timor. And we express our best wishes that more tranquil days may lie ahead of them." 52/

41. On 28 March 1996, two East Timorese were reportedly shot by the Indonesian military at Comor, near Dili airport. On 29 March 1996, demonstrations to protest those killings took place in Baucau. 53/

## III. HUMAN RIGHTS SITUATION

42. A member of the Commission on Human Rights since 1991, Indonesia has repeatedly affirmed its commitment to international human rights principles.

43. During the period under review, Amnesty International issued three reports on the human rights situation in East Timor.

44. In a report of 15 January 1996 entitled "East Timor. The September and October 1995 Riots: Arbitrary Detention and Torture", Amnesty International stated that, during September-October 1995, East Timor had experienced the worst disturbances since 1994, resulting in damage to property and injuries sustained by rioters and police. The response by the authorities included arbitrary detention, beatings and torture. At least 300 people were arbitrarily detained in the wave of arrests which followed the riots. Most of the detained persons were released, but at least 43 are believed to be facing trial for their alleged involvement in the riots. In that connection, the organization stated that it did not condone the acts of violence which had occurred during the riots; however, it was concerned that the Indonesian security forces had used the riots as a pretext to arrest individuals involved in peaceful pro-independence activities and that those facing trial did not have full access to legal defence, thus having remote chances of a fair trial. The report also contained testimonies indicating that those detained during September-October 1995 had endured beatings and torture by the Indonesian security forces.

45. In its report of February 1996 entitled "Indonesia and East Timor: When will the Commission Take Action ...?", Amnesty International stated that torture and ill-treatment of detainees, disappearances, extrajudicial executions and the detention of political prisoners continued to exist in East Timor. The organization also emphasized that the functions and procedures of the National Commission on Human Rights established by the Indonesian Government were unclear and that its working methods and processes fell short of international standards.

46. The Amnesty International report of 13 December 1995 entitled "Women in Indonesia and East Timor: Standing against Repression" contains accounts of East Timorese women being subject to extrajudicial executions, disappearances, torture, arbitrary arrest, rape, sexual abuse, unfair trial and imprisonment for peaceful expression of opposition to the Government. The report states particularly that the provisions of the Convention on the Elimination of All

Forms of Discrimination against Women are not being implemented by the Indonesian Government.

47. According to press reports, President Bill Clinton of the United States of America raised his concerns regarding the human rights situation in East Timor with Indonesian President Soeharto at a meeting held in Washington on 26 October 1995. 54/ Earlier, a group of 28 United States Senators had urged President Clinton to discuss the question of East Timor with President Soeharto. In their letter dated 25 October 1995 addressed to President Clinton, the Senators had stated the following: "The tension in East Timor has been intensifying in the past year ... Violence in the Territory has been on the increase as well. It is in the spirit of the long United States-Indonesian friendship that we urge you to raise these concerns with President Soeharto." 55/

48. During his visit to East Timor in April 1995, the United States Assistant Secretary of State for Human Rights, Mr. John Shattuck, had reportedly stated the following: "The issue of the presence of military troops in East Timor in a fairly substantial number is certainly a major concern about the process of addressing this human rights question ... We encourage the Government to give the people of East Timor more influence over their local affairs, and to reduce the number of troops stationed there". He emphasized that the United States strongly favoured the creation of the opportunity for the East Timorese to participate in the decision-making process, including areas such as the economy and politics. 56/

49. The United States Department of State, in its annual report on human rights, 57/ stated that, during 1995, the Indonesian Government continued to commit serious human rights abuses, including "harsh repression of dissidents in East Timor". Troop levels remained unjustifiably high. The armed forces used excessive force in making arrests following anti-integration rioting in Dili in October. The Government reimposed restricted access to East Timor by foreign journalists. The report further refers to evidence of extrajudicial killings by the Indonesian security forces of a number of alleged armed opposition members in East Timor. The Indonesian Government withdrew two army battalions from East Timor in September, but there had been no noticeable decrease in military activity in the Territory; after the October riots in Dili, some anti-riot units were reinforced. The Government offered a general amnesty to members of the Timorese resistance who surrender their arms, and it was reported to have released some who had been apprehended. A similar policy was applied to several leaders of the Timorese clandestine political movement. There were credible reports that, in January 1995, security forces had abducted five civilians in Dili. At least five other persons disappeared in East Timor under circumstances suggesting possible involvement by the security forces. Torture increased in frequency beginning in November 1994, and included electric shocks, mock executions, severe beatings and burning with cigarettes. Military authorities continued the practice of detaining people without charges. Security agencies regularly made forced or surreptitious entries. They also engaged in intimidation through surveillance of persons and residences and selective monitoring of local and international telephone calls without legal restraint. Special permission continued to be required for foreign journalists to travel to East Timor; approvals for individual journalists to visit the Territory became more restrictive. There was an outbreak of religion-based violence in East

Timor in September and October 1995. Clashes in mid-October between security forces and groups of youths led to extensive damage, at least 2 deaths, and 151 arrests. The military sporadically carried out security checks affecting transportation and travel to and within East Timor and occasionally imposed curfews, in connection with military operations. The International Committee of the Red Cross (ICRC) continued to operate in East Timor and to visit East Timorese prisoners. Travel to East Timor by foreign human rights non-governmental organizations had not been approved. The government-appointed National Human Rights Commission became active in examining human rights violations. East Timorese expressed concerns that the transmigration programme could lead to fewer employment opportunities and might eventually destroy East Timor's cultural identity.

50. The United Nations High Commissioner for Human Rights visited Indonesia and East Timor from 3 to 7 December 1995. Pursuant to the Chairman's statement of the fifty-first session of the Commission on Human Rights on 1 March 1995, the High Commissioner on 14 March 1996 submitted a report on his visit. 58/

51. The Secretary-General of the United Nations submitted his most recent report on the situation of human rights in East Timor on 29 February 1996. 59/

## IV. ECONOMIC, SOCIAL AND EDUCATIONAL CONDITIONS

52. In the absence of information submitted by the administering Power under Article 73 e of the Charter of the United Nations and for the reasons explained in paragraph 54 below, information on economic, social and educational conditions in the Territory has been derived from Indonesian press reports, which have described the prevailing conditions as follows:

(a) On 30 March 1996, Indonesian Defence and Security Minister Edi Sudrajat, on behalf of President Soeharto, presented the Territorial administration with a budget for the 1996/97 fiscal year totalling 170.063 billion rupiahs, a 6.08 per cent increase over the 1995/96 fiscal year. The expenditure would include, inter alia, the following: public works sector, Rp 58 billion; education and culture, Rp 31 billion; and agriculture, Rp 11 billion (Antara News Agency, 1 April 1996);

(b) In 1995, East Timor's per capita income equalled Rp 580,000, compared with Rp 494,503 in 1994. The agricultural sector accounted for 38.57 per cent of the GDP growth during 1995 (ibid., 2 January 1996);

(c) Approximately Rp 2.66 trillion is expected to be invested in East Timor during the sixth five-year development plan (Repelita VI) in order to maintain the 10.42 per cent rate of economic growth that had been achieved during Repelita V. The Indonesian Ministry for Investment approved for 1996 12 investment projects for a total cost of Rp 283.63 billion, which could create an additional 28,995 jobs. The Ministry would also concentrate on measures aiming at enhancing the role of the private sector in the Territory (ibid., 19 August 1995);

(d) On 4 August 1995, the Governor of East Timor unveiled 1,319 development projects to be completed in the Territory during the 1996/97 financial year. The cost of the projects was reported to total Rp 409 billion. The Governor also emphasized that the development projects that had been undertaken in East Timor during the last 19 years lacked qualitative aspects (Kompas, 7 August 1995);

(e) In September 1995, the exports of coffee to Singapore started to originate from Dili (Suara Pembaharuan, 21 August 1995);

(f) In February 1996, Mr. Lawrence T. Dickenson, Canadian Ambassador to Indonesia, announced the following new community development projects to be funded by the Canada Fund for Local Initiative: an integrated agricultural development scheme in Lisadila village of Liquiça Regency, Rp 31.175 million; a leprosy polyclinic in Kota Barn, Baucau, Rp 30 million; and a rice cultivation and fish breeding project in Beco, Suai, Rp 13.2 million. The Canadian Fund for Local Initiatives also will fund other small-scale projects in East Timor for the total cost of Rp 1.44 billion (Antara News Agency, 27 February 1996);

(g) In 1996, the construction of the first sugar mill in East Timor will be completed. The mill would produce 40,000 tons of sugar per year. The cost of the project is estimated at Rp 58 billion. The equipment for the mill, estimated at Rp 27 billion, is being imported from China (ibid., 13 December 1995);

(h) In December 1995, an additional 6,000 tons of rice was supplied by Indonesia to East Timor in anticipation of a possible rice scarcity in the Territory at Christmas time. In addition, the Territorial officials procured additional beef, refined sugar and wheat flour to be distributed in East Timor at the holiday season (ibid., 2 December 1995).

## V. CONSIDERATION BY THE UNITED NATIONS 60/

53. Between 1961 and 1982, the General Assembly annually reviewed the question of East Timor and adopted resolutions on the basis of reports submitted by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. 61/ Since its thirty-eighth session, the General Assembly has deferred consideration of the item. 62/

54. Since 1977, the Government of Portugal, in its capacity as administering Power of East Timor, has annually informed the Secretary-General that, owing to conditions prevailing in the Territory, namely, the presence of armed forces of Indonesia, it has been de facto prevented from transmitting any information concerning East Timor under Article 73 e of the Charter. 63/

55. At its thirty-seventh session, by resolution 37/30 of 23 November 1982, the General Assembly requested the Secretary-General to initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem, and to report to the Assembly at its thirty-eighth session. The Assembly requested the Special Committee to keep the

situation in the Territory under active consideration and to render all assistance to the Secretary-General to facilitate implementation of the resolution.

56. Since 1983, the Secretary-General has kept the General Assembly regularly apprised of developments related to the exercise of his good offices. 64/ His most recent progress report, submitted to the Assembly at its fiftieth session, is contained in document A/50/436.

57. The Secretary-General held the seventh round of discussions with the Foreign Ministers of Indonesia and Portugal in London on 16 January 1996. The following communiqué was issued on the same date at the conclusion of the talks:

> "1. The Secretary-General held the seventh round of talks on the question of East Timor in London on Tuesday, 16 January 1996, with the Foreign Minister of Portugal, Mr. Jaime Gama, and the Foreign Minister of Indonesia, Mr. Ali Alatas.
>
> "2. The Ministers discussed developments since the sixth round of talks in July 1995 and, in this connection, welcomed the visit of the United Nations High Commissioner for Human Rights, Mr. José Ayala Lasso, to Jakarta and East Timor in December 1995 in the context of the implementation of the Chairman's Statement adopted by consensus in 1995 by the Human Rights Commission, the importance of which was recognized.
>
> "3. The Ministers, without prejudice to their respective positions of principle regarding the political status of East Timor, continued their discussions on those substantive issues which have been identified related to an eventual framework for the achievement of a just, comprehensive and internationally acceptable solution to the question of East Timor as well as other related issues, inter alia, the preservation and promotion of the cultural identity of the East Timorese people and bilateral relations between Indonesia and Portugal.
>
> "4. The Ministers took note positively of the Secretary-General's intention to facilitate and offer the necessary arrangements for another meeting of the all-inclusive intra-East Timorese dialogue in accordance with the same terms of reference agreed at the fifth round of talks, which will take place in Austria in March 1996.
>
> "5. Following today's discussions, the parties agreed to continue their efforts, with the assistance of the Secretary-General, to find a just, comprehensive and internationally acceptable settlement to the question of East Timor. The eighth round of talks between the Foreign Ministers under the auspices of the Secretary-General will be held at Geneva on 29 June 1996. In the interval, talks will continue at the permanent representative level with the participation of the representative of the Secretary-General."

58. On 22 March 1996, the United Nations Information Service in Vienna issued the following press release: 65/

"Concluding an all-inclusive intra-East Timorese dialogue at Schlaining castle, Austria, today, 29 East Timorese, representing a broad cross-section of political opinion from inside and outside the Territory, called for a continuation of the discussion, which was initiated by the Secretary-General in connection with his efforts to resolve the question of East Timor.

"In a signed declaration, participants noted the 'positive atmosphere' that had prevailed during the dialogue and expressed interest and readiness to continue the sessions in the same framework in order to consider practical measures conducive to settling the question of East Timor.

"Adopted by consensus, the declaration expresses interest in the establishment of an East Timorese cultural centre in Dili to research the culture, language, customs and tradition of the Territory. It welcomes Portugal's support for East Timor University as well as practical training for East Timorese youth and proposes that Indonesia provide further opportunities for East Timorese to have a greater role in the administration of the Territory.

"The 1996 Burg Schlaining Declaration pays special tribute to the 'invaluable role' of the Catholic Church in East Timor and its positive cooperation with other religions.

"Facilitated by the United Nations, the intra-East Timorese dialogue served to explore practical ideas that could have a positive impact on the situation in East Timor and assist in creating a conducive atmosphere for a solution of that question. The Government of Austria provided meeting facilities and accommodation for all participants. A number of other Governments also extended financial support to this initiative."

59. It will be recalled that, on 22 February 1991, the Government of the Portuguese Republic filed in the Registry of the International Court of Justice an application instituting proceedings against the Commonwealth of Australia in a dispute concerning "certain activities of Australia with respect to East Timor". 66/ On 30 June 1995, at a public sitting, the International Court of Justice delivered its judgment. Emphasizing "that, for two Parties, the Territory of East Timor remains a Non-Self-Governing Territory and its people has the right to self-determination", the Court found as follows:

"THE COURT,

"By 14 votes to 2,

"Finds that it cannot in the present case exercise the jurisdiction conferred upon it by the declarations made by the Parties under Article 36, paragraph 2, of its Statute to adjudicate upon the dispute referred to it by the Application of the Portuguese Republic." 67/

60. During the general debate at the fiftieth session of the General Assembly, the representatives of Mozambique (A/50/PV.18), Guinea-Bissau (A/50/PV.9),

Portugal (A/50/PV.6, 7, 36) and Indonesia (A/50/PV.7) referred to the question of East Timor in their statements.

61. In the general debate in the Third Committee, the representative of Spain (on behalf of the European Union) and Norway referred to the question of East Timor.

62. In the general debate in the Special Political and Decolonization Committee (Fourth Committee), several representatives made reference to the question of East Timor under the agenda item entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples": Brazil (A/C.4/50/SR.5); Ecuador (on behalf of the Rio Group) (A/C.4/50/SR.5); Portugal (A/C.4/50/SR.6); and Uruguay (A/C.4/50/SR.5).

63. The Special Committee considered the question of East Timor at its 1443rd to 1446th meetings, from 11 to 13 July 1995. During those meetings the Committee heard statements by the representatives of Sao Tome and Principe (on behalf also of Angola, Cape Verde, Guinea-Bissau and Mozambique); Portugal, as the administering Power; Papua New Guinea and Indonesia (A/AC.109/PV.1446); as well as by 32 petitioners. At its 1446th meeting, on 13 July 1995, the Special Committee decided to continue consideration of the item at its 1996 session subject to any directions which the General Assembly might give in that connection at its fiftieth session (ibid.).

64. The question of East Timor was considered by the United Nations Subcommission for Prevention of Discrimination and Protection of Minorities at its 4th and 7th meetings, held on 2 and 4 August 1994 respectively. The documents pertaining to that consideration are listed below:

(a) Question of violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories. Report of the Subcommission under Commission on Human Rights resolution 8(XXIII). Written statement submitted by Pax Romana (E/CN.4/Sub.2/NGO/20);

(b) Summary record of the fourth meeting, held at the Palais des Nations, Geneva, on Wednesday, 2 August 1995. Commission on Human Rights, Subcommission on Prevention of Discrimination and Protection of Minorities, forty-seventh session (E/CN.4/Sub.2/1995/SR.4);

(c) Summary record of the seventh meeting, held at the Palais des Nations, Geneva, on Friday, 4 August 1995. Commission on Human Rights, Subcommission on Prevention of Discrimination and Protection of Minorities, forty-seventh session (E/CN.4/Sub.2/SR.7).

65. The question of East Timor was subsequently considered by the United Nations Commission on Human Rights. The documents pertaining to that consideration are listed below:

(a) Draft report of the Commission on Human Rights, fifty-second session (E/CN.4/1996/L.10/Add.10);

(b) Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories. Written statement submitted by Pax Christi International (E/CN.4/1996/NGO/80);

(c) Organization of the work of the session. Follow-up to the World Conference on Human Rights. "Making human rights a reality". Report of the United Nations High Commissioner for Human Rights (E/CN.4/1996/103);

(d) Organization of the work of the session. Follow-up to the World Conference on Human Rights. Report of the United Nations High Commissioner for Human Rights on his visit to Indonesia and East Timor, 3-7 December 1995 (E/CN.4/1996/112);

(e) Letter dated 12 April 1996 from the Permanent Mission of Indonesia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1996/165);

(f) Situation in East Timor: report of the Secretary-General (E/CN.4/1996/56).

66. On 10 April 1996, the Chairman of the Commission on Human Rights read out the following statement:

"Following consultations, I would like to make a statement announcing what has been agreed by consensus by the Commission on the situation of human rights in East Timor.

"The Commission on Human Rights discussed the human rights situation in East Timor.

"The Commission continues to follow with deep concern the reports on violations of human rights in East Timor.

"The Commission recalls the undertakings by the Government of Indonesia to promote human rights in East Timor and those contained in Chairman's Statements at previous sessions on the matter. The Commission stresses the need to take further steps towards their implementation, including the early release of the East Timorese detained or convicted and the further clarification on the circumstances surrounding the Dili incident of 1991.

"The Commission notes with satisfaction the greater access recently granted by the Indonesian authorities to international media and humanitarian organizations and trusts that it will be expanded further to human rights organizations.

"The Commission welcomes the visit to East Timor of the Office of the United Nations High Commissioner for Human Rights, Mr. José Ayala Lasso, on 6 December 1995, and stresses the importance of this visit in the context of last year's Chairman's Statement. The Commission notes with satisfaction the understanding reached between the Indonesian authorities

and the High Commissioner concerning the upgrading of the current Memorandum of Interest on technical cooperation in the field of human rights, signed at Jakarta on 26 October 1994, into a Memorandum of Understanding. In this context, it was also provisionally agreed to look into the possibility of the High Commissioner assigning a programme officer within the office of the United Nations Development Programme (UNDP) in Jakarta in order to follow up the implementation of the technical cooperation agreement. This officer would also have regular access to East Timor.

"The Commission welcomes the intention of the Government of Indonesia to continue to cooperate with the Commission on Human Rights and its mechanisms as well as its intention to invite a thematic rapporteur in 1997.

"The Commission welcomes the result of the seventh round of the tripartite dialogue between the Foreign Ministers of Indonesia and Portugal under the auspices of the Secretary-General of the United Nations on the question of East Timor held in London on 16 January 1996 and encourages the Secretary-General to continue his good offices for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor.

"The Commission welcomes the informal bilateral meeting between President Soeharto and Prime Minister Guterres during the Asia-Europe Meeting (ASEM) in Bangkok on 19 February 1996 and expresses the hope that it will contribute positively to the ongoing tripartite dialogue. The Commission also welcomes the holding of the all-inclusive intra-East Timorese dialogue at Schlaining castle, Austria, from 19 to 22 March 1996.

"The Commission requests the Secretary-General to keep it informed on the situation of human rights in East Timor and will consider the question at its fifty-third session."

## Notes

1/ World Population Prospects: The 1994 Revision (United Nations publication, Sales No. E.95.XIII.16).

2/ Reuters, 20 July 1995.

3/ Ibid., 16 July 1995.

4/ Ibid., 25 July 1995.

5/ The Jakarta Post, 29 June 1995.

6/ Reuters, 4 July 1995.

7/ Ibid., 5 and 6 September 1995.

8/ The Indonesian Observer, 27 December 1995; Reuters, 26 December 1995.

9/ Agence France-Presse, 23 August 1995.

10/ Reuters, 7 July 1995.

11/ United Press International, 27 July 1995; Reuters, 25 July 1995.

12/ Reuters, 30 July 1995.

13/ United Press International, 17 July 1995.

14/ Reuters, 16 August 1995.

15/ Ibid., 19 August 1995.

16/ Ibid., 31 August 1995.

17/ Ibid., 2 September 1995; The Jakarta Post, 2 September 1995.

18/ Ibid., 24 September 1995.

19/ The Jakarta Post, 27 and 29 September 1995.

20/ Ibid., 29 September 1995.

21/ Reuters, 26 September 1995.

22/ The Indonesian Times, 21 September 1995; Reuters, 21 and 22 September 1995.

23/ Reuters, 19 September 1995.

24/ The Jakarta Post, 15 September 1995.

25/ The Indonesian Observer, 15 September 1995.

26/ The Jakarta Post, 16 September 1995.

27/ Reuters, 5 and 6 September 1995.

28/ Ibid., 7 October 1995.

29/ United Press International, 10 October 1995.

30/ Agence France-Presse, 12 October 1995; Reuters, 12 October 1995.

31/ Reuters, 12 October 1995; United Press International, 12 October 1995.

32/ Ibid., 12 and 13 October 1995.

33/ Ibid., 12 October 1995; Agence France-Presse, 13 October 1995.

34/ Reuters, 20 October 1995.

35/ Público (Lisbon), 12 and 13 October 1995; Diário de Notícias (Lisbon), 12 and 13 October 1995; Expresso (Lisbon), 14 October 1995.

36/ Agence France-Presse, 24 October 1995.

37/ Reuters, 21 October 1995.

38/ Agence France-Presse, 14 November 1995.

39/ Reuters, 27 November 1995.

40/ Ibid., 24 November 1995.

41/ Agence France-Presse, 9 November 1995.

42/ Ibid., 4 December 1995.

43/ The Jakarta Post, 29 December 1995.

44/ The Jakarta Times, 29 December 1995.

45/ Agence France-Presse, 8 December 1995.

46/ The Jakarta Post, 8 February 1996.

47/ Reuters, 8 and 9 February 1996.

48/ Ibid., 7-9, 11, 16, 19, 21, 24 and 25 November 1995, 11 March 1996; Agence France-Presse, 1, 8-10, 13, 15, 16, 18, 19, 21, 28 November 1995; Público (Lisbon), 7-11, 13, 14, 16, 17, 19, 21, 24, 27 November 1995; Expresso (Lisbon), 8, 10, 13, 16, 17, 24, 26 November 1995; Diário de Notícias (Lisbon), 8, 9, 13, 17, 20, 24 November 1995.

49/ Agence France-Presse, 8 December 1995.

50/ Reuters, 1 February 1996.

51/ Ibid., 1 March 1996.

52/ BBC Summary of World Broadcasts, 20 March 1996.

53/ Reuters, 1 April 1996.

54/ Ibid., 27 October 1995.

55/ Ibid., 25 October 1995.

56/ Ibid., 20 April 1995.

57/ United States Department of State, Country Reports on Human Rights Practice for 1993 (Washington, D.C., February 1995).

58/ E/CN.4/1996/12.

59/ E/CN.4/1996/56.

60/ For details, see corresponding sections of the previous working papers prepared by the Secretariat (A/AC.109/L.1328 and A/AC.109/623, 663, 715, 747, 783, 836, 871, 919, 961, 1001, 1115, 1154, 1187 and 2026).

61/ See General Assembly resolutions 1699 (XVI), 1807 (XVII), 1913 (XVIII), 2107 (XX), 2184 (XXI), 2395 (XXIII), 2507 (XXIV), 2707 (XXV), 2795 (XXVI), 2918 (XXVII), 3113 (XXVIII), 3294 (XXIX), 3485 (XXX) and 31/53, relating to the question of Territories under Portuguese administration, including East Timor; see also Assembly resolutions 32/34, 33/39, 34/40, 35/27, 36/50 and 37/30 on the question of East Timor.

62/ General Assembly decisions 38/402, 39/402, 40/402, 43/402 and 46/402; see also A/41/PV.3, A/44/PV.3, A/45/PV.3, A/47/PV.3, A/48/130, A/49/402 and A/50/402.

63/ See A/35/233, A/37/160, A/37/125, A/39/136, A/40/159, A/41/190, A/42/171, A/43/219, A/44/262, A/45/172, A/46/131, A/47/189, A/48/130, A/49/184 and A/50/214. Owing to a lack of information from the administering Power, the information contained in the present working paper has been derived from other sources.

64/ A/38/352, A/39/361, A/40/622, A/41/602, A/42/539, A/43/588, A/44/529, A/45/507, A/46/456, A/48/418 and A/49/391; see also Boutros Boutros-Ghali, Secretary-General of the United Nations. Confronting New Challenges - 1995. Report on the Work of the Organization from the Forty-ninth to the Fiftieth Session of the General Assembly (United Nations publication, Sales No. E.95.I.47), paras. 662-665.

65/ Press release SG/2021.

66/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 4 (A/50/4), para. 36.

67/ Detailed information related to the case is contained in: (a) East Timor (Portugal v. Australia), Judgment, I.C.J. Reports 1995, p. 90; see also ICJ, Reports of Judgments, Advisory Opinions and Orders, Case concerning East Timor (Portugal v. Australia) (Sales No. 661); and (b) Official Records of the General Assembly, Fiftieth Session, Supplement No. 4 (A/50/4), paras. 36-46.

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